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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kuwait, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenant on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights,

Recalling its resolution 47/145 of 18 December 1992, in which the Assembly expressed its deep concern at flagrant violations of human rights by the Government of Iraq,

Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

population and insisted that Iraq cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens are respected,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, by which the Commission requested its Chairman to appoint a special rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur may deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution, 1993/74 of 10 March 1993, by which the Commission extended the mandate of the Special Rapporteur for a further year and asked him to submit an interim report to the General Assembly at its forty-eighth session and a final report to the Commission on Human Rights at its fiftieth session,

Recalling also Security Council resolutions 687 (1991) of 3 April 1991, 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Deeply concerned by the massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detention, lack of due process and the rule of law of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also at the fact that chemical weapons have been used on the Iraqi civilian population, by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the increasingly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the southern marshes, many of whom have sought refuge on the border between Iraq and the Islamic Republic of Iran,

Expressing concern in particular at the fact that there are no signs of improvement in the general situation of human rights in Iraq, and, therefore, welcoming the decision to deploy a team of human rights monitors to such locations as would facilitate improved information flows and assessment and would help in the independent verification of reports on the situation of human rights in Iraq,

Regretting that the Government of Iraq has not seen fit to respond to requests for a visit of the Special Rapporteur on the situation of human rights in Iraq and noting that, despite the formal cooperation extended to the Special Rapporteur by the Government of Iraq, such cooperation needs to be substantially improved, in particular by giving full replies to the inquiries of the Special

Rapporteur about acts being committed by the Government of Iraq that are incompatible with the international human rights instruments that are binding on that country,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq 3/ submitted by the Special Rapporteur of the Commission on Human Rights and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights of the gravest nature, for which the Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marshes;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(d) Suppression of freedom of thought, expression and association and violations of property rights;

(e) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic rights of the population;

3. Deplores Iraq's refusal to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991) and its failure to provide the Iraqi population with access to adequate food and health care;

4. Calls upon the Government of Iraq to release immediately all persons arbitrarily arrested and detained, including Kuwaitis and nationals of other States;

5. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights, as well as to the International Covenant on Civil and Political Rights, to abide by its obligations freely undertaken under the Covenants and under other international instruments on human rights and particularly to respect and ensure the rights of all individuals irrespective of their origin within its territory and subject to its jurisdiction;

3/ A/48/600.

6. Recognizes the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq to allow unhindered access of the United Nations humanitarian agencies throughout the country, including ensuring the safety of United Nations personnel and humanitarian workers, inter alia through the continued implementation of the Memorandum of Understanding signed between the United Nations and the Government of Iraq;

7. Expresses special alarm at the repressive practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

8. Also expresses special alarm at the resurgence of grave violations of human rights in southern Iraq, which is the result of a preconceived policy against the marsh Arabs in particular, many of whom have sought refuge outside the country;

9. Welcomes the sending of human rights monitors to the border between Iraq and the Islamic Republic of Iran, and calls upon the Government of Iraq to allow immediate and unconditional stationing of human rights monitors throughout the country, especially the southern marsh area;

10. Further expresses its special alarm at all internal embargoes, which permit essentially no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq;

11. Urges once more the Government of Iraq to set up an independent commission of inquiry to look into the fate of tens of thousands of persons who have disappeared;

12. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate;

14. Decides to continue its consideration of the situation of human rights in Iraq during its forty-ninth session under the item entitled "Human rights question" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.